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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/458,077 | 12/10/1999 | NARIAKI SHIMOE | 2038-230 | 8402 |

7590 04/25/2003

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EXAMINER

KIDWELL, MICHELE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3761

DATE MAILED: 04/25/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/458,077

Applicant(s)

SHIMOE ET AL.

Examiner

Michele Kidwell

Art Unit

3761

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 15 April 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 17.Claim(s) rejected: 6-16 and 18-23.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

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Continuation of 3. Applicant's reply has overcome the following rejection(s): 112, second paragraph rejection with respect to claim 21 and 103 rejection with respect to claim 17.

Continuation of 5. does NOT place the application in condition for allowance because: the examiner disagrees with the applicant's argument that Congleton fails to teach or disclose a density of the fibrous component in the indented region being lower than in the central and side regions. Congleton discloses an indented region that is formed by cutting into the absorbent material. The cutting process eliminates some of the absorbent material without compressing it, thereby leaving less grams/cubic centimeter (i.e., a lower density) than the central and side regions. With respect to the applicant's arguments that Congleton does not disclose a fibrous component, the examiner also disagrees. The fibrous component of Congleton is disclosed in col. 17, lines 20-48. The indented regions are formed by the cutting process of the invention and will yield the claimed density requirements as previously stated. The examiner also refers to figures 1A-3D and col. 19, line 63 to col. 20, line 2 to support the intermittent indented regions. Congleton discloses that a rigidity of the core in the indented regions is not higher than in the central in the side regions as set forth specifically in col. 2, lines 50-56. The indented regions are form a hinge means that allows the article to fold along those indented regions. If the rigidity of the indented regions were higher than the central and side regions, then the article would not be allowed to fold. In support of the examiner's position that it is well known in the art to distribute superabsorbent polymer only in the central region, the examiner refers to US 5,248,309. The examiner maintains her statement that the distribution of the superabsorbent polymer only in the central region prevents side leakage because if the central region is the source for major absorption, then fluid is not allowed to run off of the sides of the region, thereby preventing side leakage. With respect to the applicant's argument that claimed arrangement of the topsheet is not disclosed, the examiner refers to col. 15, lines, specifically lines 20-34 where Congleton incorporates US 3,929,135 and US 4,342,314 by reference. The patents disclose the claimed arrangement of the topsheet in figures 4 and 1, respectively.

Continuation of 10. Other: Courtesy copy of Serbiak et al. (US 5,248,309), Thompson (3,929,135) and Radel et al. (US 4,342,314).